

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

**ROBERT PETERSON, AS TRUSTEE FOR
PRESTONWOOD TRUST,**

Plaintiff,

v.

BANK OF AMERICA, N.A.

Defendant.

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Case No. 4:16CV982
Judge Mazzant/Judge Johnson

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On September 11, 2017, the report of the Magistrate Judge (Dkt. #51) was entered containing proposed findings of fact and recommendations that Defendant Bank of America, N.A.’s (“Defendant”) Motion for Summary Judgment (Dkt. #13) be **GRANTED**.

Wade Kricken (“Kricken”), counsel for Plaintiff Robert Peterson, as Trustee for Prestonwood Trust (“Plaintiff”), and Reedy Spigner (“Spigner”), counsel for Prestonwood Trust, a non-party, filed responses to the Magistrate Judge’s report. *See* Dkt. #52 and #53. However, both responses relate only to the Magistrate Judge’s Order granting Defendant’s Motion for Sanctions (Dkt. #47), and do not state any objections to the Magistrate Judge’s findings and conclusions regarding Defendant’s Motion for Summary Judgment (Dkt. #13).

Having received the report of the Magistrate Judge, and no objections regarding the issue of summary judgment having been filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the

findings and conclusions of the Court on the issue of summary judgment. Therefore, Defendant's Motion for Summary Judgment (Dkt. #13) is **GRANTED**.

It is SO ORDERED.

SIGNED this 10th day of October, 2017.

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE